

ORDINANCE NO. 148

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, AS HERETOFORE AMENDED, SO AS TO CHANGE THE FOLLOWING DESCRIBED PROPERTY FROM A "R-16" RESIDENTIAL CLASSIFICATION TO A "R-16" RESIDENTIAL CLASSIFICATION WITH A SPECIAL PERMIT FOR "DENTAL AND MEDICAL OFFICES AND CLINIC", SAID TRACT BEING DESCRIBED AS FOLLOWS: BEING A PART OF THE R. J. WEST SURVEY, ABSTRACT 1576 AND OUT OF A 22½ ACRE TRACT DEEDED TO ALEXANDER D. McNABB BY R. M. RUSSELL AND WIFE BY DEED RECORDED IN VOLUME 2533, PAGE 365 OF DEED RECORDS OF DALLAS COUNTY, TEXAS, AND BEING THE SOUTH 200 FEET OFF THE TRACT CONVEYED TO THE TRUSTEES OF THE LEMMON AVENUE BAPTIST CHURCH ON THE 14TH DAY OF MARCH 1957 BY EARL F. RAY AND ELIZABETH RAY AND RECORDED IN VOLUME 4818, PAGE 212 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NEW WEST LINE OF WEBB CHAPEL ROAD, A DISTANCE OF 686.62' NORTH OF THE PROJECTED CENTER LINE OF WINTERHAVEN DRIVE AND BEING AT THE SOUTHEAST CORNER SAID LEMMON AVENUE BAPTIST CHURCH TRACT, A 1½" IRON PIPE FOR CORNER; THENCE N 89 DEGREES 40 MINUTES WEST ALONG THE SOUTH LINE OF SAID LEMMON AVENUE BAPTIST CHURCH TRACT A DISTANCE OF 471.0 FEET TO THE SOUTHWEST CORNER OF SAID LEMMON AVENUE BAPTIST CHURCH TRACT, A 3/4" BOLT FOR CORNER; THENCE NORTH WITH THE WEST LINE OF SAID LEMMON AVENUE BAPTIST CHURCH TRACT A DISTANCE OF 200.0 FEET, A 3/4" IRON BOLT FOR CORNER; THENCE SOUTH 89 DEGREES 40 MINUTES EAST A DISTANCE OF 471.0 FEET TO THE NEW WEST LINE OF WEBB CHAPEL ROAD, A 1/4" IRON ROD FOR CORNER; THENCE SOUTH ALONG THE NEW WEST LINE OF WEBB CHAPEL ROAD A DISTANCE OF 200.0 FEET TO THE PLACE OF BEGINNING AND CONTAINING 2.1624 ACRES MORE OR LESS; THAT SUCH PROPERTY IS TO BE USED FOR EITHER R-16" RESIDENTIAL PURPOSES OR UNDER A SPECIAL PERMIT FOR "DENTAL AND MEDICAL OFFICES AND CLINIC", SUBJECT, HOWEVER, TO THE SPECIAL CONDITIONS HEREINAFTER MORE FULLY EXPLAINED; THAT THE PROPERTY SHALL BE IMPROVED ACCORDING TO PLANS AND

SPECIFICATIONS SUBMITTED THEREFOR WHICH SHALL BE APPROVED BY THE CITY PLANNING COMMISSION, AND SUBJECT TO THE CONDITIONS CONTAINED HEREIN; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Planning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the Charter of the City of Farmers Branch and the State Law with reference to the granting of special permits under the zoning ordinance regulations and zoning map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners, generally, and to the persons interested and situated in the effected area and in the vicinity thereof, the governing body of the City of Farmers Branch is of the opinion that said special permit should be granted, subject to the conditions set out herein; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

Section 1. That the comprehensive zoning ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended by amending the zoning map of the City of Farmers Branch so as to change the following described property from a "R-16" Residential classification to a "R-16" Residential classification with a special permit for "Dental and Medical Offices and Clinic" under special permit as provided for under the provisions of Article XIV of the Comprehensive Zoning Ordinance, as heretofore amended, subject to the special conditions contained herein. That the property to be covered by such special permit is described as follows, to-wit:

Being a part of the R. J. West Survey, Abst. 1576 and out of a 22½ acre tract deeded to Alexander D. McNabb by R. M. Russell and wife by deed recorded in Volume 2533, Page 365 of Deed Records of Dallas County, Texas, and being the south 200 feet off the tract conveyed to the Trustees of the Lemmon Avenue Baptist Church on the 14th day of March, 1957 by Earl F. Ray and Elizabeth Ray and recorded in Volume 4818, Page 212 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point in the new west line of Webb Chapel Road, a distance of 686.62' north of the projected center line of Winterhaven Drive and being at the southeast corner said Lemmon Avenue Baptist Church tract, a 1½" iron pipe for corner;

THENCE N 89° 40' W along the south line of said Lemmon Avenue Baptist Church tract a distance of 471.0 feet to the southwest corner of said Lemmon Avenue Baptist Church tract, a 3/4" bolt for corner;

THENCE north with the west line of said Lemmon Avenue Baptist Church tract a distance of 200.0 feet, a 3/4" iron bolt for corner;

THENCE S 89° 40' E a distance of 471.0 feet to the new west line of Webb Chapel Road, a 1½" iron road for corner;

THENCE South along the new west line of Webb Chapel Road a distance of 200.0 feet to the place of beginning and containing 2.1624 acres, more or less.

Section 2. That the special permit for dental and medical offices and clinic with reference to the hereinabove described property is granted upon the following express conditions, and in accordance with Article XIV of the Zoning Ordinance, to-wit:

1. The development shall be generally in conformance with the site plan as approved by the City Planning Commission and attached to the ordinance and made a part of the ordinance.
2. That parking shall be provided at the minimum ratio of one space for each 250 sq. ft. of building area with a minimum five spaces and that no parking shall be permitted beyond the front building line.
3. That all means of ingress and egress to the property shall be approved by the City Planning Commission and that the provision of a circular drive within the required front yard shall be prohibited and that no loading or unloading of vehicles or parking be permitted in the front yard as required.
4. That the minimum set-back shall be 75' from the new right-of-way line of Webb Chapel Road and that no structure or portion of the main building shall extend into this required yard.
5. That in the event construction is not started on this clinic within a six-month time period from the date of

this ordinance, the property shall be utilized only for those uses permitted in the "R-16" single family zoning classification.

6. The architecture of the proposed building shall be in conformance with the perspective submitted with the application and the architecture shall be of a residential character so as to blend harmoniously with the development found on nearby properties.

7. That the required right-of-way for the widening of Webb Chapel Road to major thoroughfare standards be provided prior to the passage of this ordinance and the approval of any building permits.

8. That the clinic use intended for this property does not permit the sale of pharmaceutical products or drugs, the maintenance of facilities for overnight and bed patients, and especially prohibits hospital use and pharmacy.

9. That a sign with a maximum area of 12 square feet shall be permitted within the required front yard, but not closer than 25' to the new right-of-way line of Webb Chapel Road. This sign shall not be illuminated nor have flashing or intermittently lighted features associated with it.

10. The proper screening shall be provided where deemed necessary by the City Planning Commission for the protection to the properties on the opposite side of the street as well as those adjoining and abutting the site in question.

Section 3. That the site plan, when approved by the City Planning and Zoning Commission and City Council, shall become a part of this ordinance for all purposes. A true copy of the site plan shall be retained in the office of the City Secretary and in the office of the City Manager for observance in connection with these improvements. That all paved areas, permanent drives, streets and drainage structures, if any, shall be constructed in accordance with standard City of Farmers Branch specifications adopted for such purpose.

Section 4. That all ordinances of the City of Farmers Branch in conflict with the provisions of this ordinance be, and the same are hereby repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 5. That the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended and as amended herein, by the granting of this special permit for dental and medical offices and clinic.

Section 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punished by a fine not to exceed Two Hundred (\$200.00) Dollars for each offense.

Section 7. Whereas, it appears that the above described property requires that it be given the above zoning classification in order to permit its proper development, and in order to protect the public interest, comfort and general welfare of the City of Farmers Branch, and creates an urgency and an emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance, as the law in such cases provides.

PASSED on the 21 day of April, 1958.

APPROVED:

Janson Lewis
MAYOR

ATTEST:

Naomi Goodnight
CITY SECRETARY

APPROVED AS TO FORM:

H. Louis Nichols
ATTORNEY

SANER, JACK, SALLINGER & NICHOLS

ATTORNEYS AND COUNSELORS AT LAW

1116-1120 REPUBLIC NATIONAL BANK BUILDING

DALLAS 1, TEXAS

R. E. L. SANER (871-1938)
JNO. C. SANER (874-1948)
W. H. JACK
ALFRED SALLINGER
H. LOUIS NICHOLS
B. ROBERT BAKER

WESTERN UNION CODE
CABLE ADDRESS
"SANER"

April 16, 1958

Mr. John J. Gray
City Manager
City Hall
Farmers Branch, Texas

Dear Jack:

Enclosed is the ordinance granting a special permit for dental and medical offices and clinic, which you requested in your letter of April 14. Enclosed also is the caption sheet which must be published one time in your official publication before the ordinance becomes effective.

Should there be any question about any of the provisions of this ordinance, please let me hear from you.

Very truly yours,

SANER, JACK, SALLINGER & NICHOLS

By

H. Louis Nichols
H. Louis Nichols

Encls.
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